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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/835,625

04/17/2001

Kenichiro Sakai

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7047

21171

7590

03/11/2004

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,625

Applicant(s)

SAKAI ET AL.

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Acknowledgment is made of the receipt of the amendment received on 11/20/03. Claims 1-20 are currently pending.

Claim Objections

1. Claims 1, 10, and 19 are objected to because of the following informalities:

in claim 1, line 6, substitute “the” with --a--;

in claim 10, line 8, substitute “the” with --a--; and

in claim 19, line 7, substitute “the” with --a--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9, drawn to the method, and apparatus claims 10-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Krichever et al. (US 5,591,952) (hereinafter referred to as ‘Krichever’).

Krichever teaches a bar code reader for identifying two-dimensional bar codes. The bar

Art Unit: 2876

code reader features a CCD 12 for detecting photo elements 22 arranged in an array of M rows and N columns. Photo elements 22 are transformed in a bit-mapped manner into memory 20. A CPU accesses the bit-mapped image data in the memory 20 to thereby scan and interpret the image of a field of view 11, find a symbol 10, and decode the characters in the symbol 10 (col. 7, lines 4-7). As illustrated in figure 7, cell array 55 is read in a raster scan one row, or column, at a time, in a rectilinear fashion, to see if recognizable bar code patterns are found. There are various ways of detecting the existence of a bar code, including by way of counting the number of transitions between black and white transitions. The value, as a function of length of scan (or transitions per unit length), is a distinguishing factor as shown in figure 12. When any part of the symbol 10 has been located, the next task is to find the angular direction of rows. The first attempt is a rectilinear line. If no recognizable bar code pattern exists, a series of angular scans can be implemented, starting at the centerpoint of an address which produced the recognized code pattern, for example at 5° increments, producing a series of scan lines 57a, 57b, 57c, etc, until a complete line of code is recognized. In this manner, a bar code could be distinguished from text within the field of view 11 (col. 9, lines 3-46).

Response to Arguments

4. Applicant's arguments filed 11/20/03 have been fully considered but they are not persuasive.

In response to the argument that Krichever does not appear to discuss or suggest detecting a maximum number of neighboring or contiguous blocks to determine a two-dimensional code, the examiner submits that the Krichever reference also reads upon the newly

Art Unit: 2876

claimed limitation since “a maximum number of neighboring and contiguous blocks” may be interpreted as any large quantity of neighboring and contiguous blocks. Therefore, Krichever does indeed teach detecting a region comprising “a maximum number of” neighboring and contiguous blocks among said detected blocks.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

Art Unit: 2876

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamara A. Franklin
Examiner
Art Unit 2876

JAF
March 5, 2004



KARL D. FRECH
PRIMARY EXAMINER